

CS FOR HOUSE BILL NO. 62(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/5/21

Referred: Rules

Sponsor(s): REPRESENTATIVES CLAMAN, Fields, Kreiss-Tomkins, Schrage

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Legislative Ethics Act; and relating to solemnization of**
2 **marriage."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 24.60.030(a) is amended to read:

5 (a) A legislator or legislative employee may not

6 (1) solicit, agree to accept, or accept a benefit other than official
7 compensation for the performance of public duties; this paragraph may not be
8 construed to prohibit

9 (A) lawful solicitation for and acceptance of campaign
10 contributions;

11 (B) [,] solicitation or acceptance of contributions for a charity
12 event, as defined in AS 24.60.080(a)(2)(B);

13 (C) [, OR] the acceptance of a gift under AS 24.60.075 or
14 24.60.080; or

1 **(D) a legislator from accepting travel and hospitality**
 2 **primarily for the purpose of solemnizing a marriage under**
 3 **AS 25.05.261(a)(4);**

4 (2) use public funds, facilities, equipment, services, or another
 5 government asset or resource for a nonlegislative purpose, for involvement in or
 6 support of or opposition to partisan political activity, or for the private benefit of the
 7 legislator, legislative employee, or another person; this paragraph does not prohibit

8 (A) limited use of state property and resources for personal
 9 purposes if the use does not interfere with the performance of public duties and
 10 either the cost or value related to the use is nominal or the legislator or
 11 legislative employee reimburses the state for the cost of the use;

12 (B) the use of mailing lists, computer data, or other information
 13 lawfully obtained from a government agency and available to the general
 14 public for nonlegislative purposes;

15 (C) the legislative council, notwithstanding AS 24.05.190, from
 16 designating a public facility for use by legislators and legislative employees for
 17 health or fitness purposes; when the council designates a facility to be used by
 18 legislators and legislative employees for health or fitness purposes, it shall
 19 adopt guidelines governing access to and use of the facility; the guidelines may
 20 establish times in which use of the facility is limited to specific groups;

21 (D) a legislator from using the legislator's private office in the
 22 capital city during a legislative session, and for the 10 days immediately before
 23 and the 10 days immediately after a legislative session, for nonlegislative
 24 purposes if the use does not interfere with the performance of public duties and
 25 if there is no cost to the state for the use of the space and equipment, other than
 26 utility costs and minimal wear and tear, or the legislator promptly reimburses
 27 the state for the cost; an office is considered a legislator's private office under
 28 this subparagraph if it is the primary space in the capital city reserved for use
 29 by the legislator, whether or not it is shared with others;

30 (E) a legislator from use of legislative employees to prepare
 31 and send out seasonal greeting cards;

1 (F) a legislator from using state resources to transport
 2 computers or other office equipment owned by the legislator but primarily used
 3 for a state function;

4 (G) use by a legislator of photographs of that legislator;

5 (H) reasonable use of the Internet by a legislator or a legislative
 6 employee except if the use is for election campaign purposes;

7 (I) a legislator or legislative employee from soliciting,
 8 accepting, or receiving a gift on behalf of a recognized, nonpolitical charitable
 9 organization in a state facility;

10 (J) a legislator from sending any communication in the form of
 11 a newsletter to the legislator's constituents, except a communication expressly
 12 advocating the election or defeat of a candidate or a newsletter or material in a
 13 newsletter that is clearly only for the private benefit of a legislator or a
 14 legislative employee; or

15 (K) full participation in a charity event approved in advance by
 16 the Alaska Legislative Council;

17 (3) knowingly seek, accept, use, allocate, grant, or award public funds
 18 for a purpose other than that approved by law, or make a false statement in connection
 19 with a claim, request, or application for compensation, reimbursement, or travel
 20 allowances from public funds;

21 (4) require a legislative employee to perform services for the private
 22 benefit of the legislator or employee at any time, or allow a legislative employee to
 23 perform services for the private benefit of a legislator or employee on government
 24 time; it is not a violation of this paragraph if the services were performed in an
 25 unusual or infrequent situation and the person's services were reasonably necessary to
 26 permit the legislator or legislative employee to perform official duties;

27 (5) use or authorize the use of state funds, facilities, equipment,
 28 services, or another government asset or resource for the purpose of political fund
 29 raising or campaigning; this paragraph does not prohibit

30 (A) limited use of state property and resources for personal
 31 purposes if the use does not interfere with the performance of public duties and

1 either the cost or value related to the use is nominal or the legislator or
2 legislative employee reimburses the state for the cost of the use;

3 (B) the use of mailing lists, computer data, or other information
4 lawfully obtained from a government agency and available to the general
5 public for nonlegislative purposes;

6 (C) storing or maintaining, consistent with (b) of this section,
7 election campaign records in a legislator's office;

8 (D) a legislator from using the legislator's private office in the
9 capital city during a legislative session, and for the 10 days immediately before
10 and the 10 days immediately after a legislative session, for nonlegislative
11 purposes if the use does not interfere with the performance of public duties and
12 if there is no cost to the state for the use of the space and equipment, other than
13 utility costs and minimal wear and tear, or the legislator promptly reimburses
14 the state for the cost; an office is considered a legislator's private office under
15 this subparagraph if it is the primary space in the capital city reserved for use
16 by the legislator, whether or not it is shared with others; or

17 (E) use by a legislator of photographs of that legislator.

18 * **Sec. 2.** AS 25.05.301 is amended to read:

19 **Sec. 25.05.301. Form of solemnization.** In the solemnization of marriage, no
20 particular form is required except that the parties shall assent or declare in the
21 presence of each other and the person solemnizing the marriage [AND IN THE
22 PRESENCE OF AT LEAST TWO COMPETENT WITNESSES] that they take each
23 other to be husband and wife. The person solemnizing the marriage must be [A
24 COMPETENT WITNESS FOR THIS PURPOSE IS] a person of sound mind capable
25 of understanding the seriousness of the ceremony. At the time of the ceremony, the
26 person solemnizing the marriage shall complete the certification on the original
27 marriage certificate. The person solemnizing the marriage [AND THE TWO
28 ATTENDING WITNESSES] shall sign the original marriage certificate and the
29 necessary copies.

30 * **Sec. 3.** AS 25.05.321 is amended to read:

31 **Sec. 25.05.321. Certificates.** The person solemnizing the marriage shall, on

the forms provided by the bureau, complete two short-form certificates [,] and, after that person has [AND THE TWO WITNESSES HAVE] signed them, give one to each of the parties to the marriage. A church or congregation may design and furnish its own form for this purpose, containing as a minimum the items contained in the form furnished by the bureau. The original marriage certificate shall be filed as required by AS 18.50 (Vital Statistics Act) and regulations adopted under it. The person solemnizing the marriage shall complete the certificate as required and submit it to the local registrar within seven days after [OF] the date the marriage is solemnized.

* **Sec. 4.** AS 25.05.361 is amended to read:

Sec. 25.05.361. Unlawful solemnization of marriage. A person who solemnizes a marriage without first receiving a proper marriage license from the parties as provided in this chapter or without the parties declaring to take each other as husband and wife [, OR WITHOUT REQUIRING THE PRESENCE OF TWO COMPETENT WITNESSES]; or who solemnizes a marriage involving a person under the legal age of marriage without the consent of (1) the licensing official when authorized, or (2) the parents or guardian of the underaged person, being stated in the license; or who solemnizes a marriage knowing of any legal impediment thereto, or who solemnizes a marriage after the expiration of the license, or who falsely certifies to the date of a marriage solemnized by that person is guilty of a misdemeanor, and upon conviction is punishable by imprisonment for not more than six months, or by a fine of not more than \$500, or by both.

* **Sec. 5.** AS 25.05.041(a)(3) and 25.05.041(a)(5) are repealed.